

**1. Discussion Objective:**

**Work Session Date: April 01, 2013**



To discuss the process available to the Town to require remediation or demolition of derelict properties within the Town.

**2. Submitter of Information: Walter Fluegel, Community Development Director**

- ☐ Council
- ☒ Town Staff
- ☐ Town Attorney

**3. Estimated Time for this item: 30 minutes**

**5. Background:** Complaints have been received by Town Staff regarding structures that, due to lack of maintenance, are considered unsafe by the community. Town Council has asked staff to outline the process for remediation or removal of these structures. Please see "Unsafe Building Determination and Disposition Process".

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

## **UNSAFE BUILDING DETERMINATION AND DISPOSITION PROCESS**

1. The unsafe structure process begins with a complaint being made about a structure. The complaint can be from any source including a resident, Fire Department, Sheriff's office or a member of Town Staff.
2. Inspector is sent to the property to perform an evaluation of the structure and photograph it's condition.
3. An unsafe structure report is completed and the structure is assigned a code case number for internal tracking.
4. Code officer/s research subject property to determine all interested parties and a NOTICE OF VIOLATION via Certified Mail is sent to all those with an interest in the property.
5. This notice is required by Section 107.1 of the IPMC and must be in writing. The notice must allow a reasonable time to allow the owners to make the necessary repairs.
6. If the interested parties do not respond, within the allotted time the case is referred to the Magistrate and a NOTICE OF HEARING is sent via Certified Mail.
7. If the owner/s or their legal representative do not attend the Magistrate Hearing and/or fails to correct the deficient conditions and secure the property the case is scheduled for hearing by the Town Council. The owner has the right to appeal the findings of the Magistrate and apply for a six month deferral to effect repairs.
8. The owner can attend the Town Council hearing and again request a deferral at this point. If the owner does not appear and repairs have not been completed, and there are no public objections, the Town Council can issue an order to have the structure demolished. The owner has the right to appeal the findings of Town Council and ask for a reasonable time to effect repairs.
9. With a demolition order from Town Council the Town's legal staff can move to have the case heard by the County Court. The owner can attend the Court Hearing and again asked for a reasonable time to effect repairs. If the Court finds that the demolition of this structure is warranted and order of demolition is issued by the Court. The owner/s has the right to appeal the findings of the Court.
10. With an order by the Court, the Town Council shall meet to affirm the order of demolition, approve funding for the demolition and direct staff to advertise for bids to remove the structure.
11. Assuming funds are available; Town Staff will formally request the disconnection of all utilities such as water, gas and electric lines from the appropriate utilities.
12. Town Staff at this time will request an Asbestos Survey per the requirements of the Florida Department of Environmental Protection.

- 13.** Staff will receive and process electric, water, and gas utility clearances from respective organizations and log them into the system.
- 14.** Staff will receive and review Asbestos Survey per DEP regulations for abatement requirements.
- 15.** Contractor is selected and awarded work. Contract created and executed.
- 16.** Contractor applies for and is issued a permit, by the Town for demolition. BMP, (silt fence) is installed at this time to control erosion from site and protect adjacent properties.
- 17.** Contractor must issue notification to DEP of intent to demolish structure. DEP requires a 10 day hold period after notification before demolition can proceed.
- 18.** Contractor abates all asbestos per survey and third party air monitoring is performed to insure compliance with DEP regulations.
- 19.** The structure is demolished and all debris, including footings and foundation are removed from the site.
- 20.** If necessary clean soil is delivered and verified as acceptable prior to backfilling the site.
- 21.** Contractor backfills the site, compresses and grades the fill and seeds the lot to control erosion.
- 22.** A final inspection is performed by a member of the inspections staff and the permit is closed.
- 23.** Funds are reconciled to the specific funding source and the Contractor is paid.
- 24.** Permit folder is audited to ensure conformance with DEP regulations and requirements for records retention.
- 25.** Lis Pendens is filed to attempt recovery of Town incurred demolition costs.
- 26.** Demolition process is now complete.